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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 21, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. 4:19-cr-06063-SMJ-01
4:19-cr-06063-SMJ-02

Plaintiff,

v.

MONICA PESINA, (01) and
NICHOLAS SEAN CARTER, (02)

Defendants.

**ORDER RESETTING
DEFENDANT CARTER'S (02)
MOTION AND MEMORANDUM
RE: SUPPRESSION OF
EVIDENCE, DEFENDANT
CARTER'S (02) MOTION AND
MEMORANDUM TO SUPPRESS
STATEMENTS AND EVIDENCE,
PRETRIAL CONFERENCE,
TRIAL, AND RELATED CASE
MANAGEMENT DEADLINES**

Pursuant to Eastern District of Washington General Order No. 20-101-4, and in light of the evolving public health crisis caused by the outbreak of the Coronavirus Disease 2019 (COVID-19) and the recently-declared national emergency, the Court finds the interests of justice require Defendant Carter's (02) Motion and Memorandum Re: Suppression of Evidence and Defendant Carter's (02) Motion and Memorandum to Suppress Statements and Evidence hearing, currently set for May 4, 2020 and May 5, 2020, be **RESET** to June 3, 2020. The Court also finds the resulting delay requires the Pretrial Conference, currently set

1 for May 28, 2020, be **RESET** to July 2, 2020, and the jury trial, currently set to
2 commence on June 22, 2020, be **RESET** to July 27, 2020. Specifically, the Court
3 finds failing to reschedule the motions hearing poses an undue risk of transmission
4 of the virus, including to Defendant, counsel, Court staff, law enforcement
5 personnel, and the public at large. Moreover, the impact of public health advisories
6 has reduced the availability of Court staff to conduct the hearing as scheduled.

7 Accordingly, **IT IS HEREBY ORDERED:**

- 8 1. Defendant Carter's (02) Motion and Memorandum Re: Suppression of
9 Evidence, **ECF No. 70**, and Defendant Carter's (02) Motion and
10 Memorandum to Suppress Statements and Evidence, **ECF No. 71**,
11 currently set for May 4, 2020 and May 5, 2020 is **STRICKEN** and
12 **RESET to June 3, 2020 at 8:30 A.M. in Richland.**
- 13 2. The Pretrial Conference, currently set for May 28, 2020, is
14 **STRICKEN** and **RESET to July 2, 2020 at 9:15 A.M. in Richland.**
- 15 3. The jury trial, currently set to commence on June 22, 2020, is
16 **STRICKEN** and **RESET to July 27, 2020 at 9:00 A.M. in Richland.**
17 The final pretrial conference will commence at **8:30 A.M.** on the first
18 day of trial.
- 19 4. The Court finds, given the outbreak of the COVID-19 virus, that
20 failing to reschedule the hearing would result in undue risk to

1 Defendant, counsel, law enforcement, Court staff, and the public at
2 large. The Court also finds the impact of public health advisories on
3 the availability of Court staff requires the hearing be rescheduled. The
4 Court, therefore, finds the ends of justice served by resetting the
5 hearing in this matter outweigh the best interest of the public and
6 Defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

7 5. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court **DECLARES**
8 **EXCLUDABLE from Speedy Trial Act calculations** the period
9 from **May 4, 2020** the date of the original hearing, through **June 3,**
10 **2020**, the date of the rescheduled hearing, as the period of delay
11 required by the interests of justice.

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6. In light of the delay associated with this Order, the remaining case management dates and deadlines in this matter are amended as follows:

	Current Date/Deadline	Revised Date/Deadline
USAO Expert Notice: Defense Expert:	April 3, 2020 April 17, 2020	May 4, 2020 May 18, 2020
All pretrial motions, including discovery motions, <i>Daubert</i> motions, and motions <i>in limine</i> , filed	April 17, 2020	May 28, 2020
Defendant Carter's (02) Motion and Memorandum Re: Suppression of Evidence, ECF No. 70 and Defendant Carter's (02) Motion and Memorandum to Suppress Statements and Evidence, ECF No. 71	May 4, 2020 and May 5, 2020 9:00 A.M. Richland	June 3, 2020 8:30 A.M. Richland
PRETRIAL CONFERENCE <i>Deadline for motions to continue trial</i>	May 28, 2020 9:00 AM - RICHLAND	July 2, 2020 9:15 AM - RICHLAND
CIs' identities and willingness to be interviewed disclosed to Defendant (if applicable)	May 29, 2020	July 13, 2020
Grand jury transcripts produced to Defendant Case Agent: CIs: Other Witnesses:	May 29, 2020 May 29, 2020 May 29, 2020	July 13, 2020 July 13, 2020 July 13, 2020
Exhibit lists filed and emailed to the Court	June 15, 2020	July 21, 2020
Witness lists filed and emailed to the Court	June 15, 2020	July 21, 2020
Trial briefs, jury instructions, verdict forms, and requested voir dire filed and emailed to the Court	June 15, 2020	July 15, 2020

Exhibit binders delivered to all parties and to the Court	June 15, 2020	July 17, 2020
Delivery of JERS-compatible digital evidence files to the Courtroom Deputy	June 15, 2020	July 21, 2020
Trial notices filed with the Court	June 17, 2020	July 17, 2020
Technology readiness meeting (in-person)	June 17, 2020	July 21, 2020
JURY TRIAL	June 22, 2020 9:00 AM - RICHLAND	July 27, 2020 9:00 AM - RICHLAND

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel, the U.S. Probation Office, and the U.S. Marshals Service.

DATED this 21st day of April 2020.

Salvador Mendoza Jr.
SALVADOR MENDEZA, JR.
United States District Judge